

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

F.A.Y. PROPERTIES, INC.,
an Illinois corporation,

Plaintiff,

vs.

R.J. REYNOLDS SMOKE SHOP, Inc. a
Delaware Corporation, of itself and doing
business as MARSHALL MCGEARTY
TOBACCO ARTISANS; and R.J. REYNOLDS
TOBACCO COMPANY, a North Carolina
Corporation,

Defendants.

Case No. 07 C 7045

Hon. John F. Grady

NOTICE OF MOTION

To: Counsel on the Attached Certificate of Service

PLEASE TAKE NOTICE that on March 5, 2008, at 11:00 a.m., or as soon thereafter as counsel may be heard, counsel for Defendants R.J. Reynolds Smoke Shop, Inc., of itself and doing business as Marshall McGearty Tobacco Artisans; and R.J. Reynolds Tobacco Company, will appear before the Honorable John F. Grady, Room 2201, or any judge sitting in his stead, in the courtroom usually occupied by him at the Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, and then and there present Defendants Unopposed Motion for Enlargement of Time to Answer Complaint or Otherwise Plead copies of which are hereby served on you.

Dated: February 19, 2008

Respectfully submitted,

/s/ Christopher J. Esbrook
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*Attorney for R.J. REYNOLDS SMOKE SHOP, Inc. a
Delaware Corporation, of itself and doing business
as MARSHALL MCGEARTY TOBACCO
ARTISANS; and R.J. REYNOLDS TOBACCO
COMPANY, a North Carolina corporation*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for R.J. Reynolds, R.J. REYNOLDS SMOKE SHOP, Inc. a Delaware Corporation, of itself and doing business as MARSHALL MCGEARTY TOBACCO ARTISANS; and R.J. REYNOLDS TOBACCO COMPANY, a North Carolina corporation certifies that he did cause a true and correct copy of the foregoing Defendants' Notice of Motion re Defendants' Unopposed Motion for Enlargement of Time to Answer Complaint or Otherwise Plead to be served by electronic-mail and United States Mail with postage prepaid on February 19, 2008 upon the following:

Thomas E. Baltz
GREY, GREY & BALTZ, P.C.
Counsel for Plaintiff F.A.Y. Properties, Inc.
11 South LaSalle, Ste. 1320
Chicago, IL 60603

/s/ Christopher J. Esbrook